



GOVERNOR'S OFFICE OF ENERGY

POSTED NOVEMBER 15, 2013

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Amendment
of Regulations of the Governor's Office of Energy**

LCB FILE NUMBER: R065-13

The Governor's Office of Energy will hold a public hearing at
10:30 A.M. on December 16, 2013 at the following location:

Governor's Office of Energy, 755 North Roop Street, Suite 202, Carson City, NV

The hearing will be video cast to:

Grant Sawyer Building, Governor's Office of Economic Development Conference Room,
555 East Washington Street, Suite 5400, Las Vegas, NV

The purpose of this hearing is to receive comment from all interested persons and take action on the following proposed adoption of amendments to regulation that pertain to chapter 701A of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The Need for and Purpose of the Proposed Amended Permanent Regulations.

The proposed amended regulation is intended to implement the provisions of NRS 701A.300-390, which authorize the Director of the Governor's Office of Energy to grant partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.

2. Terms or Substance of the Proposed Amended Permanent Regulations or Description of the Subjects and Issues Involved.

Please see the attached Revised Proposed Regulation.

3. Estimated Economic Effect of the Proposed Amended Permanent Regulations on the Business which it is to Regulate and the Public.

A. Adverse and Beneficial Effects.

The Legislature concluded that AB 239 would and was intended to have only positive impacts upon small business by encouraging and promoting small businesses to construct and operate renewable energy power generation facilities in Nevada.

The original mechanism chosen by the Legislature in AB 522 to effectuate its intent was to offer businesses partial abatements of sales and use taxes for three years and property taxes for twenty years for the construction and operation of such facilities. This was unchanged by AB 239.

B. Immediate and Long-Term Effects.

The proposed regulations are intended to effectuate the Legislative intent and will not and are intended not to have any negative impact upon small businesses. The proposed regulations are and will have positive effects on small businesses that will be subject to the proposed regulations.

4. The method in which comment was solicited from potentially affected small businesses.

The Legislature, through its hearings and deliberations regarding 2009 AB 522 (subsequently codified as NRS 701A.300 through 701A.450) and 2013 AB 239, received testimony and evidence regarding the impact that AB 522 and AB 239 would have upon small business in Nevada.

5. Estimated Cost to Agency for Enforcement of Proposed Amended Permanent Regulations.

The changes proposed by the Governor's Office of Energy should not incur any new costs for the enforcement of the proposed regulation.

6. Regulations of Other State or Local Governmental Agencies which the Proposed Amended Permanent Regulations Overlap or Duplicate.

The proposed amended permanent regulations do not appear to overlap or duplicate regulations of other state or local governmental agencies.

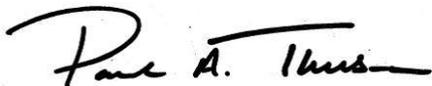
7. Establishment of New Fee or Existing Fee Increase.

The regulation establishes a new fee required under AB 239 (2013). The fee was determined using an estimate of hours spent to administer one application to the Renewable Energy Tax Abatement program, and subsequent annual compliance report filings.

Persons wishing to comment on the proposed action of the Governor's Office of Energy may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Governor's Office of Energy, 755 North Rook Street, Suite 202, Carson City, Nevada 89701. Written submissions must be received at least **ten working days** prior to the above scheduled public hearing. If no person who is directly affected by this proposed action appears to request time to make an oral presentation, the Governor's Office of Energy may proceed immediately to act upon written submissions.

A copy of this notice and the proposed permanent regulations to be amended will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended will be available at the Governor's Office of Energy, 755 North Rook Street, Suite 202, Carson City, Nevada; and in all counties at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Under NRS 233B.064(2), when adopting any regulation, the Agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporation, and its reason for overruling the consideration urged against its adoption.



Paul Thomsen, Director
October 24, 2013

Members of the public who are disabled and require accommodations or assistance at the meeting are requested to notify the Governor's Office of Energy in writing or by calling 775-687-1850 no later than five working days prior to the meeting.

Notice has been posted at the following locations: Nevada State Office of Energy, 755 North Roop Street, Suite 202, Carson City, Nevada; Carson City Library, 900 N. Roop Street, Carson City Nevada. Nevada State Capitol Building, 101 North Carson Street, Carson City, Nevada. The State of Nevada Library and Archives. The Governor's Office of Energy website: <http://energy.nv.gov>. Notice was faxed to each County Public Library for posting.